IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.21738 of 2004

Between:

B. Nandakumar S/o.Late Bheemaiah
House No.10-3-375(50/2RT), Vijayanagar Colony,
Hyderabad.

..... PETITIONER

AND

1 The Assistant City Planner, Ward No10, Circle IV,
Municipal Corp of Hyderabad, Khairatabad, Hyderabad.
2 The Municipal Commissioner,

Municipal Corporation of Hyderabad
Tank Bund Road, Hyderabad.
3 The Additional Commissioner (West)

Municipal Corporation of Hyderabad
Khairatabad, Hyderabad.
4 B.Samba Murthy S/p.late Bheemaiah
R/o.202,Kaveri Block, Divyasakthi Apartments,
Hyderabad.
5 B. Ravindra Babu, S/p.late Bheemaiah
House No.10-3-375(50/2RT), Vijayanagar Colony,
Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondent Nos.1 to 3 in not acting upon the representation dt 31-01-2004 made by the petitioner as highly arbitrary, illegal, abdication of the statutory duty cast on them and violative of the fundamental rights guaranteed to the petitioner under Article 14 of the Constitution of India and consequently direct the respondents 1 to 3 to instruct the concerned authorities to demolish the excess area constructed on 3rd Floor of house bearing No.10-3-375, (50/2RT), Vijayanagar Colony, Hyderabad.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following:

ORDER:

The petitioner herein and respondents 4 and 5 claims to be brothers and entered into a settlement for development and entrusted the construction work to a private construction agency. The complaint of the petitioner is that the respondents 4 and 5 colluded with the builder and constructed two more rooms on the terrace for their own contrary to the sanctioned plan. That the petitioner has made a representation dated
31-3-2004 to respondents 1 to 3 bringing to their notice, the illegal construction made on the third floor by the respondents 4 and 5 and requested to take necessary steps. Since, no action was taken thereon, the petitioner stated to have made a reminder dated 10-4-2004, however, the same also stated to have been remained unanswered. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Municipal Administration.

In the circumstances, the writ petition is disposed of directing the respondents 1 to 3 to consider the representation stated to have been filed by petitioner on 31-1-2004 and after affording reasonable opportunity to petitioner and respondents 4 and 5 pass appropriate orders in accordance with law, expeditiously, preferably within two weeks from the date of receipt of copy of this order. No costs.

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N.V.RAMANA,J

29-10-2004

To,

1 The Assistant City Planner, Ward No10, Circle IV,
Municipal Corp of Hyderabad, Khairatabad, Hyderabad.
2 The Municipal Commissioner,

Municipal Corporation of Hyderabad
Tank Bund Road, Hyderabad.

3 The Additional Commissioner (West)

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